



COPIES OF PAPERS
ORIGINALLY FILED

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/015,798	11/02/2001	William E. McLaughlin	01-4

26788
JOHN R. EWBANK
1150 WOODS ROAD
SOUTHAMPTON, PA 18966-4545

CONFIRMATION NO. 1300

FORMALITIES LETTER



OC00000007314643

Date Mailed: 01/16/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

RECEIVED

APR - 5 2002

TECHNOLOGY CENTER R3700

- A substitute specification in compliance with 37 CFR 1.52 because:
 - The specification cannot be scanned or properly stored. Page(s)
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages **page 1 - 6** are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because: Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*
- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1));

A copy of this notice MUST be returned with the reply.

MDMong

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



COPY OF PAPERS
ORIGINALLY FILED

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<i>Replace Spec damaged</i> TRANSMITTAL FORM <i>during Anthrax Sterilization</i> <i>(to be used for all correspondence after initial filing)</i> <i>none</i>	Application Number	101 015, 798
	Filing Date	11/02/01
	First Named Inventor	Wm S. McLaughlin
	Group Art Unit	Preliminary Examination
	Examiner Name	Martinez
Total Number of Pages in This Submission	Attorney Docket Number	01-4

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<i>Replace Spec & Drawings damaged by postal</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	<i>Compliance with 01/16/02 Request</i>

RECEIVED

APR 5 2002

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

TECHNOLOGY CENTER R3700

Firm or Individual name	JOHN R EUBANK
Signature	John R Eubank
Date	Feb 3, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Feb 22, 2002

Typed or printed name	JOHN R EUBANK	Date	Feb 3, 2002
Signature	John R Eubank		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

#4 Response 03 CD
G. Zimmerman
Trademark Office 3729

**COPY OF PAPERS
ORIGINALLY FILED**

OIPE JC184
 FEB 25 2002
 PATENT & TRADEMARK OFFICE

Southampton, PA 18966-4545

February 3, 2002

Commissioner of Patents, Washington, DC 20231

Box INITIAL EXAMINATION DIVISION

Sir:

In response to the communication of Jan. 16, 2002 indicating that the Anthrax Sterilization procedure had damaged the application, a true copy of the application is submitted herewith, together with a copy of the request for such replacement.

Respectfully submitted,

John R. Ewbank Reg 14, 853

Voice 215-357-3977

Fax 216-322-2673

e-mail: hmrl@libertynet.org

Website: www.dffcs.org

RECEIVED

APR - 5 2002

TECHNOLOGY CENTER R3700

In the United States Patent and Trademark Office

Southampton, PA 18966-4545

November 2, 2001 [note that filing was attempted on August 9, 2001 by FAXing to 703-746-4256]

McLAUGHLIN APPLICATION FOR APPARATUS CLAIMS

Assistant Commissioner of Patents,

Box Patent Applications-

Washington, DC 20231

Sir:

**WHY THIS APPLICATION MERITS EXPEDITED PROSECUTION AS IF IT WERE
UNAMBIGUOUSLY ENTITLED FROM THE FIRST TO BE CALLED A
DIVISIONAL APPLICATION**

This application has a specification identical to that of a pending application now in the Publications group because of a Notice of Allowability issued September 7, 2001. Such allowed pending application has method claims and is a CPA application filed July 6, 2001 derived from parent application 09/235,6198, filed 01/21/99. Dr. Sean Smith was the Examiner throughout the prosecution. He is in Group 3729, headed by Lee Young. The applicant and inventorship herein are identical to such parent and CPA cases. The claims which are effectively sought herein are identical to the apparatus claims which previously were sought in the CPA application. When the parent case was filed, it included both method claims and apparatus claims. Such original apparatus claims are resubmitted [to maximize similarity to parent case as filed] but are cancelled by a Preliminary Amendment substituting the apparatus claims that were in the CPA case when capitulating to the Examiner's erroneous requirement for cancellation of the apparatus claims. .

Counsel cannot quote a class and subclass for the presently sought claims because Examiner Smith never make a conventional restriction requirement.

When the case was filed on Jan. 21, 1999, there were both method and apparatus claims. In each of four amendments, applicant argued for the allowability of both method and apparatus claims, never making any election between them. The Examiner did not then raise any issue about restriction. Then in the Final Rejection, Examiner Smith **quite erroneously** asserted that method claims had

McLAUGHLIN Divisional Apparatus Application of 11/02/01 benefiting from 01/21/99

been elected, and required the cancellation of the apparatus claims in order to expedite a Notice of Allowability of the method claims. The restriction requirement was a baffling surprise feature in a Final Rejection. Legal authorities were cited in attacking the restriction requirement, but Examiner Smith repeated it in the response to the After Final amendment. It seemed wiser strategy to pay an extra filing and issue fee than to use appellate procedures involving delays, lawyer's time, etc. to try to overcome the hurdles arising from this baffling surprise. The client desired early issuance of a patent.

Because the present application benefits from the 01/21/99 filing date, it is tentatively designated as a **CONTINUATION APPLICATION, even though it will probably be treated essentially as a DIVISIONAL APPLICATION after the issuance of the filing receipt with its class-sub-class Group designations. This case should be processed with great speed.**

The documents for the application containing the apparatus claims were predominantly prepared in response to a telephone conversation with Examiner Sean Smith on Wednesday Aug. 9, 2001. The Examiner seemed adamant that if both method and apparatus claims were desired, it would be necessary to file a separate case for the apparatus claims, which he indicated could be done following the CPA procedure of FAXing the application to his new private FAS number 703-746-4256. Accordingly, Counsel filed what was intended to be this application by FAX on Aug. 9, 2001. Counsel did not send a form requesting a FAX reply because of Counsel's unawareness of the availability of the FAX-reply form. It was subsequent to Aug. 9, while browsing through the availability of Forms on line that Counsel discovered that there is a reply form for COA applications filed by FAX. Counsel is 85 years old, and has had as many as 9 patent applications pending, but is quasi-retired, and accordingly relies more upon guidance from the Examiner than some patent attorneys having a more active prosecution practice.

Counsel did phone Examiner Smith a few days after the FAXing and had oral confirmation that the FAX had been received and that the case was on file. Said FAX transmittal included the documents for paying the fee from the Deposit Account. When the filing fee was not routinely deducted from the Deposit Account, Counsel made a series of Status Inquiries, including leaving messages on the VoiceMail of Examiner Smith several times, inquiries at the Initial Examination

McLaughlin Apparatus Application of 11/2/01 benefiting from 01/21/99

section, and the like, every few weeks. Counsel's persistent inquiries to the Patent Office brought on Thursday, September 25 the surprising news that currently the Patent Office does not accept the filing of a Divisional Application by FAX. Such surprising news prompted counsel to communicate with the office of his Arlington, VA associate, Eric Scherlin. A week later, on Thursday, November 1, said office phoned to explain that efforts to obtain access to the CPA of 09/235,618 had been unsuccessful, so that the apparatus application could not easily contain documentary evidence concerning the filing by FAX on Aug. 9, 2001. Preparations for filing this application started immediately, but could not be completed until Friday, November 2, 2001.

Although the two patents will expire simultaneously under the 20 year term statute, counsel tried valiantly to seek simultaneous issue of the two patents. Prior to the 20 year term statutes, many courts were quite confused about "double patenting" as clarified in Stringham's book on Double Patenting. From 1937 onward, counsel particularly stressed the books about patent law by Stringham. However, today Stringham is almost unknown to many patent professionals. Stringham had respect for many court decisions concerning some aspects of intellectual property law, but contempt for the amazing confusion about double-patenting. Some of those asinine decisions have never been explicitly overruled. Some of the double patenting decisions contain language connoting that the Patent Office cannot be accused of error and that only counsel for applicant can be blamed if any mistakes were made. The Stringham book on double patenting encouraged efforts to seek both simultaneous expiration and simultaneous issue to avoid raising double patenting issues. Modern decisions probably acknowledge that mere simultaneous expiration avoids all double patenting problems. The prosecution record establishes the intent to avoid any double patenting problem, including the effectiveness of counsel's commitment to perennial common ownership of the differently numbered patents. The record also clarifies that counsel became a part-owner of such patent property during the prosecution, and is a shareholder in the common assignee, a corporation having essentially no assets except such patent property.

Substantially all patentability issues have been decided because the method claims, throughout the prosecution, had apparatus limitations, and the apparatus claims feature method limitations. Now that Examiner Smith has made it necessary to deal with two patent applications

McLaughlin Apparatus Application of 11/02/01 benefiting from 01/21/99

instead of one, there is hope that the Patent Office can make an adequate search for the apparatus claims, but also recognize why there appears to be an appropriate basis for a First Action Notice of Allowability for the apparatus claims. The Examiner handling this case, after making a supplemental search, can essentially use Dr. Smith's statement as the reason for allowability. Counsel seeks a prompt and favorable action.

A signature page is at the end of this submission.

-d--

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (12/97)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

01-4

Total Pages

First Named Inventor or Application Identifier

McLaughlin

Express Mail Label No.

EK455248861US

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets]
4. Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
(Note Box 5 below)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b,
is considered as being part of the disclosure of the
accompanying application and is hereby incorporated by
reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ Small Entity Statement filed in prior application. ☒ Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: *Clarifications about compulsory licensing but Examiner did not give subclass*

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information.

☒ Continuation

☒ Divisional

☐ Continuation-in-part (CIP)

of prior application No.

09/2 35618

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label



(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address label

NAME

26788

PATENT & TRADEMARK OFFICE

ADDRESS

John R Ewbank

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

215-357-3977

FAX

215-322-2673

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

O I P E JC184
FEB 25 2002
PAT & TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

RECEIVED

APR 5 2002

TECHNOLOGY CENTER R3700



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT

(\$) 370⁰⁰

Complete if Known

Application Number

Filing Date

First Named Inventor

Examiner Name

Group Art Unit

Attorney Docket No.

Nov 2, 2001
McLaughlin

01-4

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit
Account
Number

50-1224

Deposit
Account
Name

John R Ewbank

☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$)

101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee

Fee Paid

370⁰⁰

SUBTOTAL (1) (\$) 370⁰⁰

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$)

103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee Code				
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(g)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
145	740	245	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)

JOHN R EWANK

Registration No.

14853

Complete (if applicable)

Telephone

215-357-3977

Signature

John R Ewbank

(Attorney/Agent)

Date

Nov 2, 2001

WARNING: Information on this form may become public. Credit card information should not

be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



STATEMENT CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) & 1.27(b)--INDEPENDENT INVENTOR

Docket Number (Optional)
99-1

Applicant, Patentee, or Identifier William F. McLaughlin

Application or Patent No.: _____

Filed or Issued: _____

Title Infra-red laser device and method for searching for lost item

As a below named inventor, I hereby state that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

**COPY OF PAPERS
ORIGINALLY FILED**

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern, or organization is listed below.

RECEIVED

APR - 5 2002

TECHNOLOGY CENTER R3700

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

William F. McLaughlin
NAME OF INVENTOR

NAME OF INVENTOR

NAME OF INVENTOR

William F. McLaughlin
Signature of inventor

Signature of inventor

Signature of inventor

Jan 21, 1999
Date

Date

Date



COPY OF PAPERS
ORIGINALLY FILED

In the United States Patent and Trademark Office

William L. McLaughlin

Quasi-Division of pending CPA filed July 5, 2001 continuing 09/235.618 of 01/21/99

Parent Application was in Group 3729

S. Smith Examiner; Superv.Ex. Lee Young

Allowed Sept. 7, 2001. Iss Fee due Dec. 7, 2001

Publications Group

STATEMENT CONCERNING TRUE COPY, ETC.

The specification and drawings submitted herewith for use as an application benefiting from the 01/21/99 filing date of the parent application are photocopies and true copies of the allowed CPA case. The three claims 1-3 submitted herewith are true copies of claims 3, 4, and 5 in the parent case as filed 01/21/99, but are merely of historical interest. A Preliminary Amendment [resembling CPA practice, as seems appropriate in this type of compulsory divisional case] substitutes the apparatus claims as they were pending in the CPA case at the time of the Examiner's erroneous requirement for their deletion.

RECEIVED

APR - 5 2002

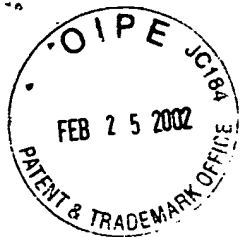
TECHNOLOGY CENTER R3700

Both apparatus and method claims were initially sought. Both were argued for in each of the amendments filed in response to the first four rejections. It was only in the fourth [Final] rejection that the Examiner raised any issue about the presence of both apparatus and method claims. Counsel cited law and arguments in contending that both claims should issue in the same case. When the Examiner repeated such requirement in the post-final rejection, counsel interpreted it as a compulsory restriction, leading to this application. Counsel cannot note what an Examiner has designated as the class and sub-class of the presently sought claims, because the Examiner never made such a designation, but made a false accusation that applicant had elected method claims when the record shows that applicant consistently sought both method and apparatus claims. Prompt examination and allowance of the claims are earnestly solicited.

John R. Ewbank

John R. Ewbank Reg. No. 14,853

Voice 215-357-3977 FAX 215-322-2673 e-mail hmrl@libertynet.org



McLAUGHLIN Apparatus Application of 11/02/01 benefiting from 01/21/99

Signature page

Prompt issuance of a Notice of Allowance is earnestly solicited.

Respectfully,

John R. Ewbank, Registration Number 14,853

Voice 215-357-3977 FAX 215-322-2673 e-mail hmrl@libertynet.org

COPY OF PAPERS
ORIGINALLY FILED

RECEIVED

APR - 5 2002

TECHNOLOGY CENTER R3700